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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,972	04/16/2001	Luosheng Peng	10480-012-999	8464

7590

05/13/2003

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EXAMINER

AMSBURY, WAYNE P

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 05/13/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/836,972

Applicant(s)

PENG, LUOSHENG

Examiner

Wayne Amsbury

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.                      6) ☐ Other: \_\_\_\_\_.

CLAIMS 1-24 ARE PENDING

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 13-24 are rejected under 35 U.S.C. 101** because the claimed invention is directed to non-statutory subject matter. In particular, these claims are directed to code only, not to a computer program product that comprises code embedded on a computer-readable medium.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 9, 13-15 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Reisman, US 5,694,546, 2 December 1997.**

As to **claim 1**, Reisman is directed to the transmission of updates and other information [COL 5 lines 32-38], to user stations that may include those on wireless networks [COL 1 line 62 to COL 2 line 7], and which correspond to mobile devices. Local storage of periodic or otherwise temporary information at a user station corresponds to the use of a cache in the claims.

(It is noted, however, that the body of the claims do not involve the use of a cache; a cache merely serves as a general context in the preamble of the independent claims, and as such carries no patentable weight. Further, for the sake of completeness and compact prosecution, it is noted that FIG 1 contains multiple candidates for a cache distinct from the user database: Information Object **46**, Read-only Product Information **16**, Information Module **18**, and an adjunct file system for the local database **12** if it has one, as many do.)

A fetch operation by a user to update collections of information is received by an information transport function that corresponds to a call for loading a set of files [COL 6 lines 14-24; FIG 1; COL 12 lines 7-15]. Such objects to be fetched must be located and thus correspond to searching a database for a matching record [COL 6 lines 24-47]. Reisman is directed to periodicals and other information that is scheduled for update [COL 6 lines 53-61; COL 16 lines 5-10; EXAMPLE 1 COL 19-20]. The status of out-of-date or overdue items is necessarily checked as needed [COL 31-45; COL 6 lines 53-61, and elsewhere]. A fetch operation loads files as its prime directive.

As to **claim 2**, Reisman teaches that storage of (decompressed files) occurs after a call is disconnected.

As to **claim 3**, Reisman clearly teaches opening communications with a remote server, including the use of a communications module **36**, and the claimed handshake processes are an integral part of many of the systems discussed and the citations above.

The importing of updates that comprises additional information and/or new information to be combined with old information corresponds to difference files for updating a set of files [COL 11 line 55 to COL 12 line 15]. This correspondence is particularly strong since the claim is of a difference file for updating a **set** of files, rather than the difference between two versions of a single file as is sometimes the case.

As to **claim 9**, Reisman provides some of the housekeeping details of the communication handshake, including verification of various parameters of a fetch, which correspond to status checks [COL 16 lines 5-10 and elsewhere].

The elements of **claims 13-15 and 21** are rejected in the analysis above and these claims are rejected on that basis.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4-8, 10-12, 16-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman, US 5,694,546, 2 December 1997.**

As to **claim 4**, Reisman does not specify the detailed steps of using a difference file in the specific manner of the claim, but the steps correspond to getting the difference file and a set of files, applying the difference file to the set, storing the updated file set, removing the out-of-date copy of the file set, and then removing the difference file from

memory. It would have been obvious to one of ordinary skill in the art at the time of the invention to carry out these steps because they are either inherent or space saving with regard to using a difference file.

As to **claim 5**, the purpose of updating a set of files is to use them, and as they are already stored [claim 4], removing them frees RAM for other use.

As to **claim 6**, the differences in a difference file for a set of files are clearly those that specify those to be added, modified, or deleted.

As to **claim 7**, Reisman provides a number of examples of information services that broadcast messages concerning available data and updates [BACKGROUND]. As to **claim 8**, there must be some way of distinguishing out-of-date files.

The elements of **claims 10-12, 16-20 and 22-24** are rejected in the analysis above, and these claims are rejected on that basis.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Application/Control Number: 09/836,972

Page 6

Art Unit: 2171

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.

WPA  
May 8, 2003

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER